



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APR 17 2003

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MINNEAPOLIS MN 55402

#18

In re Application of :
Lorin Debonte et al :
Serial No.: 10/034,698 : WITHDRAWAL OF ABANDONMENT
Filed: December 27, 2001 :
Attorney Docket No.: 07148-015005 :

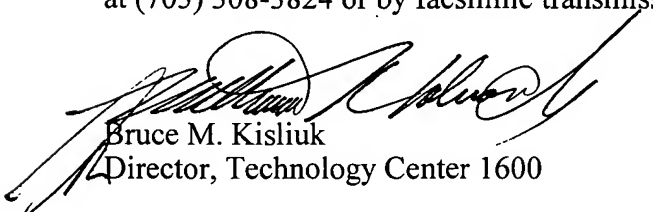
This is in response to applicants' oral request during an Office interview for withdrawal of the abandonment of the above identified application based on Office error.

A review of the file history shows the examiner as a first action mailed a Notice of Allowance and Issue Fee Due and Notice of Allowability to applicants on June 17, 2002, setting a three month statutory period for payment of the Issue Fee. A Request for Continued Examination (RCE), including an amendment, was filed on September 17, 2002 (Certificate of Mailing date), the date on which the Issue Fee was due. The RCE papers also included a request and fee for a three month suspension of action. The RCE papers were properly entered, however the request for suspension of action was inadvertently overlooked. As a consequence the examiner mailed a new Notice of Allowance and Issue Fee Due and a new Notice of Allowability to applicants on October 22, 2002. In view of the requested suspension of action, this Office action was improper and is hereby vacated. Based on the date of mailing of the Notice of Allowance and Issue Fee Due, Publications Division mailed a Notice of Abandonment to applicants on March 6, 2003, based on failure to timely receive the Issue Fee. In view of the fact that the Notice of Allowance and Issue Fee Due has been vacated, no Issue Fee is due and the Notice of Abandonment based thereon is improper and is hereby vacated.

Applicants' petition is **GRANTED**.

Inasmuch as the period of suspension requested with the RCE has now expired, the application will be forwarded to the examiner for further action not inconsistent with this decision.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


Bruce M. Kisliuk
Director, Technology Center 1600